

Appln. No. 10/510,128  
Election/Restriction dated December 7, 2006  
Reply to Office Action of October 10, 2006

### REMARKS

In the Office Action dated October 10, 2006, claims 1-18 were subjected to a restriction/election requirement by the Examiner. In response, applicant has elected to prosecute claims 1-12 drawn to a marking system, and has provisionally indicated that claims 13-18 drawn to marking method be withdrawn. Applicant respectfully traverses the Examiner's requirement for the following reasons.

Essentially, the method claimed in claims 13-18 is that which is performed by the apparatus of claim 1. In other words, each of the elements in the apparatus of claim 1 has corresponding steps in the method of claim 13 and vice versa. For example, claim 1 includes a monitoring station for monitoring the web, and claim 13 requires monitoring the web as it moves along a path. Likewise, claim 1 requires a mark signal means for producing a mark signal. Correspondingly, claim 13 requires producing a mark signal on detection of a location on the web to be marked. Claim 1 requires a tab applicator for applying an adhesive tab to the web and including an on-line printer for printing indicia on each tab along with control means for receiving the mark signal and driving the on-line printer and tab applicator in timed relation to the web. Likewise, claim 13 requires using a drive signal generated by a control means to drive an on-line printer to apply indicia on the adhesive tab and thereafter applying the tab to the web. Each of the steps of claim 13 correspond to each of the components in the apparatus of claim 1. Therefore, it appears to applicant that claim 1 and claim 13 require the same or corresponding special technical features and are thus in compliance with PCT Rule 13.1.

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Applicant respectfully requests withdrawal of the election/restriction requirement made by the Examiner so that all of claims 1-18 as originally filed may be searched and examined in the present patent application.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

A handwritten signature in black ink, reading "Thomas M. Wozny". The signature is written in a cursive style with a large, stylized 'T' and 'W'.

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